# BRANDS BILL 1879

**LEGISLATIVE COUNCIL, 9 October 1879, pages 1345 - 1347**

## Second reading.

The CHIEF SECRETARY (Hon. W. Morgan), in moving the second reading, said that the Bill was the result of a compromise between very conflicting views as to what brands should be used and how their use should be regulated and enforced. He did not think it would be necessary to go into the history of the Bill in detail, but he might state that the hon. member for Encounter Bay brought a Bill into the House of Assembly to repeal the Brands Bill, and it was referred to a Select Committee, who reported in favour of amending rather than repealing the Act. The objection to the old Bill was that persons owning old brands were not permitted to use them, and that the clauses relating to waybills were too stringent. These points had been remedied by the present Bill.

The Hon. R. C. BAKER thought it would be better to adjourn the debate till Tuesday, to permit hon. members carefully to peruse the Bill in the meantime.

The Hon. J. CROZIER hoped the debate would be proceeded with, as they were already tolerably conversant with the main features of the Bill.

The Hon. P. SANTO would support the second reading, but he had but little doubt that next session they would be called upon to repeal or amend the Bill.

The Hon. J. CROZIER would support the Bill, and had no intention of proposing any amendments. He would point out, however, that they had got on for a long time very well without a Brands Bill at all—(Hear, hear)—and he believed the present Bill was merely brought forward because they had a Brands Act in New South Wales and Queensland, where, however, the circumstances were wholly different to those which obtained in this colony in regard to the number and class of cattle and stock reared.

The Hon. H. SCOTT would support the Bill, and did not propose to offer any suggestions for its amendment.

The motion for the second reading was then put and carried.

In Committee.

Clause 1, Short title.

The Hon. R. C. BAKER moved that the Committee report progress, and ask leave to sit again on Tuesday.

The CHIEF SECRETARY (Hon. W. Morgan) thought that it would be better to proceed with the Bill, as the majority of hon. members appeared anxious to go on with it.

Withdrawn.

Clauses 2, 3, and 4. Passed.

Clause 5. Interpretation clause.

The Hon. H. SCOTT moved to insert in line 19 the word "or" before "numeral," and to strike out the words "sign, mark, or character."

The CHIEF SECRETARY (Hon. W. Morgan) said that the amendment proposed by the Hon. H. Scott would do away with one of the leading features of the Bill—that persons should be allowed to retain their old brands.

The Hon. T. HOGARTH was opposed to the amendment on the same ground that persons ought to be permitted to retain the old brands by which their stock had always been known.

The Hon. J. CROZIER considered that a sign or character was quite as good a brand as letters or numerals, and should therefore oppose the amendment,

The Hon. H. SCOTT said it was almost impossible to avoid the risk of brands being altered, if they allowed the use of all signs or characters heretofore employed. He would not so much object to it if they could insert a provision that a special fee, say of £100, should be paid for the use of such special brands.

Negatived.

Clauses 6 to 9. Passed,

Clause 10. Description of brands to be used.

The Hon. H. SCOTT moved to add to the end of this clause the words:-"On payment of a special fee of £100, provided that no person has made application for a similar brand, or for a brand that in the opinion of the Registrar closely resembles such brand, or which might be easily altered so as to resemble such brand."

The CHIEF SECRETARY (Hon. W. Morgan) did not think the amendment would be easily workable, because it would be difficult to define what brands were nearly alike, or specially liable to be imitated.

Negatived.

Clauses 11, 12, and 13. Passed.

Clause 14. Order of existing brands on cattle.

The Hon, J. PEARCE said that the clause provided that the brands should be affixed in a particular order and in particular places. The clause was very exacting in its requirements, and in accordance with the wish of some farmers who had made representations to him on the subject he should move that it be struck out, unless good cause could be shown for its retention.

The CHIEF SECRETARY (Hon. W. Morgan) said the object of the clause was to enable cattle to be traced from one place to another, He hoped the clause would be retained.

The Hon. H. SCOTT said that subdivision C provided that "every second or subsequent brand shall, where there is space sufficient for that purpose, be impressed or made on the same position as, and at a distance of not less than two inches nor more than three inches from, and directly underneath the brand." He moved to insert the word "may" instead of the word "shall."

The Hon. J. PEARCE would be satisfied if it were made permissive in the way suggested by the last speaker.

The CHIEF SECRETARY (Ron. W. Morgan) said that the word "may" would alter the whole effect of the clause, which was intended strictly to regulate the order in which the brands should be placed.

The Hon. J. PEARCE suggested that the insertion of the words "as nearly as possible" would meet the case, and would make the clause a little more indefinite-(laughter)—or at least not so oppressive in its character.

The Hon. P. SANTO said it was the first time that he had heard an hon. member deliberately seek to make the wording of a clause in an Act. more indefinite than it was already. (Laughter.) Negatived.

The Hon. H. SCOTT moved to strike out the words "on the position next" in the same clause, in the last line of subdivision C, and insert “in any position subsequent." Carried.

The remaining clauses of the Bill, together with the preamble and title, having been passed, the Council resumed, the Committee reported, the report was adopted, and the third reading made an Order of the Day for Tuesday next.